

7/28/80

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July 28, 1980

Senator Daniel Patrick Moynihan
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Dear Senator Moynihan:

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

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This letter is written to express continuing concern over human rights violations in Argentina, to record the encouragement we derive from recent expressions of our State Department on this subject, and to express our hope that the Government of the United States will continue and enhance its efforts to promote respect for human rights in Argentina and throughout the world.

Fifteen months ago, five lawyers participated in a mission to Argentina on behalf of the Association of the Bar of the City of New York. The mission was chaired by Orville H. Schell, Jr. He was accompanied by Harold H. Healy, Jr., Stephen L. Kass, R. Scott Greathead, and the undersigned. The mission, which was endorsed by the American Bar Association, confirmed a consistent pattern of gross violations of human rights in Argentina which has seriously undermined the rule of law. I enclose a copy of our report dated May 22, 1979.

During the past 15 months, Argentina has remained an important focus of the Administration's human rights policy. We believe that this attention has been a significant factor in helping to reduce the number of "disappearances" or illegal abductions by government security forces. The fact remains that as many as 15,000 people have disappeared in the last several years. The leaders of the Argentine government continue to deny their responsibility for these crimes, and have refused to investigate the actions of the security forces.

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In April of this year, the Inter-American Commission on Human Rights of the O.A.S. published the report of its recent mission to Argentina. It concluded (p. 134):

"...[T]he decision to form the command units that were involved in the disappearance and possible extermination of...thousands of persons was adopted at the highest level of the Armed Forces for the purpose of decentralizing the antisubversion campaign. As a result, each of the command units had unlimited power to eliminate terrorists or those suspected of being terrorists.

"The Commission is morally convinced that, in general, these authorities could not have been ignorant of the events as they were occurring and did not adopt the necessary measures to terminate them."

In light of the continuing violations of human rights by the Argentine government, we became concerned some weeks ago by newspaper reports that the Administration was contemplating a shift in policy aimed at normalization of relations with Argentina.

On June 5th of this year, we wrote to Secretary of State Muskie expressing our concerns. In our letter we said:

"While such conditions continue, any change in U.S. focus would be a regrettable departure from an enlightened human rights policy. It would seriously undermine efforts under way at the O.A.S., the U.N., and within Argentina to improve the situation."

On June 18, Deputy Secretary of State Warren Christopher responded to our letter, stating "that no change in U.S. human rights policy towards Argentina is contemplated." On July 9, we met with Mr. Christopher and several other State Department officials including William Bowdler, Assistant Secretary of State for Latin America, and Stephen Palmer, Acting Assistant Secretary of State for Human Rights. Our objective was both to clarify the present and future United States human rights policy toward Argentina and to

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offer specific recommendations to help make that policy clear, effective, and practical.

We were much encouraged by this meeting and by the substance and tone of the conversation. The Deputy Secretary and his colleagues were at once realistic about their responsibilities and entirely sympathetic toward the principles, measures, and goals we advocated. All of us came away with a sense of the Deputy Secretary's clear understanding and unequivocal commitment. We were led to feel that he and his colleagues, speaking for the Department, are dedicated to the view, which we share, that human rights must continue to have a high place on the Nation's international agenda. In the course of the meeting we urged several basic propositions which we would like to pursue with your support and the support of other American leaders. Our concerns can be summarized as follows:

1. There is no justification for relaxing our efforts to help Argentina and its people move forward in respecting human rights.
2. Remedial actions remain necessary in response to continuing problems:
 - (a) the 1500-1800 people still being held under the National Executive Power (PEN) who have never been tried or charged must be released, tried, or allowed to emigrate;
 - (b) the continued horror of "disappearing" people (desaparecidos) must end, and the curtain of silence surrounding the victims must be lifted; and
 - (c) the vigorous independence of the judiciary and of the bar, essential for return to the rule of law, must be restored.

3. It is essential that the United States give its firm support and endorsement to the recent report on Argentina prepared by the Inter-American Commission on Human Rights of the O.A.S. This report will be discussed during the next meeting of the O.A.S. General Assembly in November. Support should also be given to resolutions at that meeting urging that ongoing investigations be conducted into the human rights situation in Argentina.
4. The United States Government should give strong support to the U.N. Working Group on Disappearances, which is now undertaking a year-long examination of the problem worldwide.
5. Efforts should be made through these international forums and in bilateral dealings to assure that those involved in recent disappearances are held responsible and punished for their crimes.
6. The United States and international agencies such as the International Committee of the Red Cross should conduct constant re-examinations of prison conditions in Argentina, particularly for those held under the National Executive Power.
7. Future visits by United States diplomats and government officials should emphasize our continued concern for human rights in clear and public terms. Symbolic visits with domestic human rights groups and the families of the victims of human rights abuses can help to reinforce this commitment.

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8. The United States should encourage the distribution and dissemination of material on human rights. Within Argentina there has been considerable difficulty in obtaining copies of the O.A.S. report. We should seek to facilitate its distribution throughout Argentina.
9. The Government of Argentina should be strongly urged to conduct thorough and aggressive investigations of recent disappearances, including three cases in Argentina and six others involving Argentine citizens living in Peru.

Our rewarding conversations on July 9 with Deputy Secretary Christopher and his colleagues led us to believe that the foregoing concerns and objectives are reflected in the official policies now being pursued by those in charge of American foreign relations. We applaud those policies and support them fully. We hope and trust that they will be continued with your important support.

Sincerely yours,

Marvin E. Frankel

Enc.

cc. Hon. Edmund S. Muskie
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Hon. Phillip Klutznick
Hon. Zbigniew Brzezinski
Hon. Lloyd N. Cutler
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